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Price R*

J. D. SKEEN  
E. J. SKEEN

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**SKEEN AND SKEEN**  
ATTORNEYS AT LAW  
SALT LAKE CITY, UTAH 84111

NEWHOUSE BUILDING  
SUITE 522  
TELEPHONE 363-8037  
~~XXXXXX~~  
365-9150

May 12, 1967

Mr. Hubert C. Lambert  
State Engineer  
State Capitol Building  
Salt Lake City, Utah

Dear Mr. Lambert:

In view of the fact that the Amended Judgment in the case of Carbon Canal Company et al, Plaintiffs, vs. Cottonwood-Gooseberry Irrigation Company et al, Defendants, Civil No. 5357, has been affirmed by the Supreme Court, it is requested that the provisions of the Amended Judgment with respect to measurement of water and the destruction of the old ditch be carried out during the 1967 irrigation season.

It is provided in the Judgment that all water diverted by the Cottonwood-Gooseberry Irrigation Company be measured at a point described as follows:

North 32° 14' West 1421.5 feet from the Southeast  
Corner of Section 35, Township 13 South, Range 5  
East, Salt Lake Meridian

It is also provided:

"(1) Defendant shall install water measuring devises of a type approved by the State Engineer at the point where the water is taken from Defendant's canal and discharged into the natural channel and again at or near the tunnel, as shall be designated by the State Engineer.

(2) No greater quantity of water shall be permitted to be re-diverted through the tunnel than is diverted into natural channel tributary to Gooseberry Creek from Defendant's canal; but said Defendant shall be charged with any channel losses from conveyance in the natural stream and to the tunnel.

(3) The total quantity of water to which Defendant is entitled shall be limited in any year to a total of not more than 3,020 acre feet measured at the point where the water from Defendant's canal is discharged into the said natural channel, less any channel losses referred to in sub-paragraph 2."

Mr. Hubert C. Lambert  
State Engineer

May 12, 1967

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As the decree limits the right of Cottonwood-Gooseberry Irrigation Company to "so much water from either or both sources (Boulger Creek and Gooseberry Creek) as can be captured in said existing works and is necessary to provide not more than 3,020 acre feet of water annually measured where said water is diverted from the existing ditch", it is important that proper measuring devices be located and installed with as little delay as possible so that complete records of diversion from the existing works can be obtained this year.

If you have any questions concerning this matter, please communicate with me.

Respectfully,

  
E. J. SKEEN

EJS:eub

